IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO. 44 OF 2007

Dnyaneshwar s/o Baliram Nikose
Vs.
Smt. Vandana w/o Dnyaneshwar Nikose

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : J. P. DEVADHAR AND
B.P. DHARMADHIKARI, JJ.
JULY 03, 2007.

Heard Shri Ghodeswar, learned counsel for the appellant and Shri Parmar, learned counsel for the respondent.

After hearing, we find that first H.M.P. No. A-386 of 1996 filed by the appellant – husband on the very same grounds has been dismissed by the Family Court on 10.12.1998. There has been no resumption or cohabitation between the parties after 10.12.1998. The subsequent HMP No. A-179 of 2003 has been dismissed by Family Court only on this ground.

Shri Ghodeswar, learned counsel argues that in para 3, subsequent events i.e. efforts made by the husband to bring her back

are mentioned.

Shri Parmar, learned counsel invites attention to the reply filed before the Family Court in which wife has denied those efforts and has specifically stated that she was ready and willing to cohabit with her husband.

In these circumstances, we find that no objection can be taken to the impugned orders. The appellant has not given details and there is no pleadings about the efforts made by him to fetch his wife back after earlier dismissal of HMP on 10.12.1998. If there are any subsequent events, the appellant – husband is free to take such steps as are available to him in law i.e. either to fetch her back or seek annulment of marriage.

First Appeal is accordingly dismissed. No order as to costs.

JUDGE **JUDGE**

*GS.